GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1002
ANSWERED ON:22.11.2016
Custodial Deaths
Sampath Shri Anirudhan

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been an increase in the incidents of deaths in judicial custody;

(b) if so, the details thereof and the total number of male, female, transgender and minor who died in judicial custody separately along with the number of persons arrested, convicted and the action taken against the guilty during each of the last three years and the current year, State-wise;

(c) whether the Union Government has issued directives to the State Governments in this regard; and

(d) if so, the details thereof and the action taken to stop such cases in future alongwith the other measures taken to ensure transparency in investigation?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a)&(b) Based on the information received from National Human Right Commission (NHRC), the details of total number of male, female and minor (victim age between 1-17) who died in judical custody registered during each of the last three years and the current year are as under-

Gender	2013-14	2014-15	2015-16	2016-17 as on 31.10.2016
Male	1523	1527	1604	891
Female	54	60	62	44
Minor (Between 1-17yrs)	1	2	0	1

...2/-

Statements indicating State-wise details of death in judicial custody with break-up of male, female and minor (victim age between 1-17) during each of the last three years and the current year up to 31.10.2016 is submitted as Annexure A-1 to A-4.

The Commission has not maintained any separate record in respect of transgender who have died in judicial custody. The Commission has also not maintained any separate record of the number of persons arrested or convicted.

(c) & (d) Police & Public Order are State subjects under the 7th Schedule of Constitution of India. It is primarily the responsibility of the State Government to appropriately prevent and ensure non occurrence of police atrocities and protect the Human Rights of the citizen. However, the Central Government issues advisories and the NHRC issues guidelines/procedure to be followed in cases of death caused in Police action from time to time. Pursuant to the guidelines laid down by the NHRC, every death in police or judicial custody is to be reported within 24 hours of the occurrence. The Commission also calls for various reports, such as inquest, post-mortem report, magisterial inquiry report, viscera reports etc. for ascertaining foul play or negligence, if any, by public servants, which resulted in the death in custody.

During various workshops, seminars and camp sittings, the commission sensitizes senior officers in State Governments for better protection of Human Rights.

â€¦3/-

The Commission has been recommending monetary relief and disciplinary action in cases of violation of human rights. During the said period, in 363 cases of violation of human right, monetary relief of Rs. 6,33,44,999/- has been recommended by the Commission and disciplinary action against public servants in 33 cases of death in judicial custody has been recommended. State-wise details in respect of recommendation of NHRC for monetary relief and disciplinary action are given at Annexure A-5

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